

John filion

Wednesday, October 24, 2012

**NOTICE OF DECISION**  
**MINOR VARIANCE/PERMISSION**  
**(Section 45 of the Planning Act)**

File Number:	A661/12NY	Zoning	R4 - Waiver -
Owner(s):	CHUNLIN ZHANG	Ward:	Willowdale (23)
	NONG GAO		
Agent:	NONG GAO		
Property Address:	295 BYNG AVE	Community:	North York
Legal Description:	PLAN 3691 PT LOT 42 RP 64R4185 PART 3		

Notice was given and a Public Hearing was held on Wednesday, October 24, 2012, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

This is an application to permit the construction of a two storey dwelling. The existing dwelling would be demolished.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

1. Existing lot area of 501.75m<sup>2</sup>  
WHEREAS a minimum of 550m<sup>2</sup> is required;
2. Proposed east side yard setback of 1.21m  
WHEREAS a minimum of 1.8m is required;
3. Proposed west side yard setback of 1.37m  
WHEREAS a minimum of 1.8m is required; and
4. Proposed lot coverage of 37.9% (190.16m<sup>2</sup>)  
WHEREAS a maximum of 30% (150.5m<sup>2</sup>) is permitted.

**IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

**The Minor Variance Application is Approved on Condition**

It is the decision of the Committee of Adjustment to **APPROVE** the following variance(s):

1. Existing lot area of 501.75m<sup>2</sup>  
WHEREAS a minimum of 550m<sup>2</sup> is required;

It is the decision of the Committee of Adjustment to **MODIFY** and **APPROVE** the following variance(s):

4. Proposed lot coverage of **32.00% (160.56m<sup>2</sup>)**  
WHEREAS a maximum of 30% (150.5m<sup>2</sup>) is permitted.

For the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

It is the decision of the Committee of Adjustment to **REFUSE** the following variance(s):

2. Proposed east side yard setback of 1.21m  
WHEREAS a minimum of 1.8m is required;
3. Proposed west side yard setback of 1.37m  
WHEREAS a minimum of 1.8m is required; and

For the following reasons:



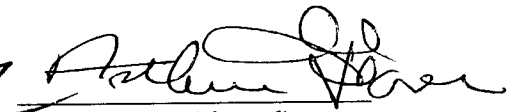

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

This decision is subject to the following condition(s):

1. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article II, with respect to City owned trees, to the satisfaction of the Urban Forestry Division.
2. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article III, with respect to privately owned trees, to the satisfaction of the Urban Forestry Division.
3. The owner shall submit a Tree Security Deposit (in the form of a certified cheque or letter of credit only) and sign a Tree Preservation Agreement to the satisfaction of the Urban Forestry Division.

## SIGNATURE PAGE

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Isaac Lallouz (signed)  
Astra Burka (signed)  
Arthur Forer (signed)  
Nicholas Sion (signed)  
Richard Ross (signed)

DATE DECISION MAILED ON: Thursday, November 1, 2012

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, November 13, 2012

CERTIFIED TRUE COPY

Dan Antonacci  
Manager & Deputy Secretary Treasurer  
North York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

# MEMORANDUM

**Date:** October 24<sup>th</sup>, 2012

**To:** Chair and Members of the  
Committee of Adjustment, North Panel

**From:** Councillor John Filion  
Ward 23, Willowdale

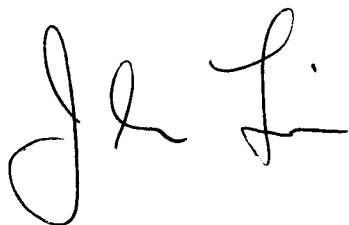
**Re:** 295 Byng Avenue  
A661/12NY

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I am writing to request that the Committee give consideration to refusing variance 4, requesting a proposed lot coverage of 37.9%, as it is out of character with the surrounding neighbourhood and does not meet the intent of the the zoning bylaws.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Filion', with a stylized, cursive script.

Councillor John Filion  
Ward 23, Willowdale

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**Toronto City Hall, 100 Queen Street West, Suite B-36, Toronto, ON M5H 2N2**  
**Tel: (416) 392-0210 Fax: (416)392-7388. Email:councillor\_filion@toronto.ca**



**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	Friday, October 12, 2012
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Allen Appleby, Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 (Willowdale)
<b>Reference:</b>	File No. A661/12NY Address: <b>295 BYNG AVE</b> Application to be heard: Wednesday, October 24, 2012 at 11:00 a.m.

## **RECOMMENDATION**

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Staff recommend that the proposed lot coverage be reduced to better reflect the neighbourhood character.

## **APPLICATION**

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This is an application to permit the construction of a two storey dwelling. The existing dwelling would be demolished.

### **REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

North York Zoning By-law No. 7625

- Existing lot area of 501.75m<sup>2</sup>  
WHEREAS a minimum of 550m<sup>2</sup> is required;
- Proposed east side yard setback of 1.21m  
WHEREAS a minimum of 1.8m is required;
- Proposed west side yard setback of 1.37m  
WHEREAS a minimum of 1.8m is required; and
- Proposed lot coverage of 37.9% (190.16m<sup>2</sup> or 2046.9sq.ft.)  
WHEREAS a maximum of 30% (150.5m<sup>2</sup> or 1620.2sq.ft.) is permitted.

## COMMENTS

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The subject property is located west of Bayview Avenue and south of Finch Avenue East and is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are considered stable areas where new development will maintain the existing physical character of the area.

Section 4.1 of the Plan outlines the development policies for *Neighbourhoods*. The Official Plan acknowledges that *Neighbourhoods*, while stable, will be subject to physical change in the form of enhancements, additions, and infill housing. The key policy of the Plan is to ensure that new development will respect and reinforce the existing physical character of the neighbourhood. The preamble to the development criteria states, "Physical changes to our established *Neighbourhoods* must be sensitive, gradual and generally "fit" the existing character."

Policy 4.1.5 outlines criteria for development in established *Neighbourhoods*. Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the area, with regard to:

- c) Heights, massing, scale and dwelling type of nearby residential properties;

The Plan affirms that no changes will be made with respect to rezoning, minor variance, consent or other public action that are not in keeping with the physical character of the neighbourhood.

The subject property is zoned R4, in the former City of North York By-Law No. 7625 as amended. The objective of the Zoning By-Law is to establish specific standards as to how land is developed. Limitations on lot coverage are devised to achieve more uniform and consistent built form and to maintain a standard pattern of development.

Planning staff are concerned with the proposed lot coverage of 37.9 % as it is not in keeping with the character of this neighbourhood.

Should the Committee chose to approve this application, planning staff recommend the coverage be reduced to better reflect the neighbourhood character.

Respectfully submitted,

**CONTACT**

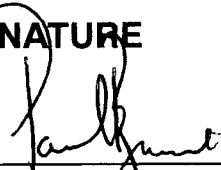
Vanessa Covello, Assistant Planner

Tel: 416-395-7104

Fax: 416-395-7200

E-mail: [vcovell@toronto.ca](mailto:vcovell@toronto.ca)

**SIGNATURE**

A handwritten signature in black ink, appearing to read "Allen Appleby", is written over a horizontal line.

*for* Allen Appleby  
Director, Community Planning, North York District

A661/12NY - **295 BYNG AVE**



City Planning Division  
Gregg Lintern, MCIP, RPP  
Acting Chief Planner and Executive Director

City Planning

North York Civic Centre  
5100 Yonge Street  
North York, Ontario  
Canada, M2N 5V7  
Tel.: (416) 395-7000  
Fax: (416) 395-7200

**Mailed on/before:** Friday, October 12, 2012

**PUBLIC HEARING NOTICE**  
**MINOR VARIANCE/PERMISSION**  
**(Section 45 of the Planning Act)**

**MEETING DATE AND TIME:** Wednesday, October 24, 2012 at 11:00 a.m.

**LOCATION:** Council Chamber, North York Civic Centre, 5100 Yonge St., M2N 5V7

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Dan Antonacci (signed)  
Manager & Deputy Secretary Treasurer  
North York Panel  
:mb





## 295 Byng Ave.

A661/12NY

